

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF MISSOURI, *et al.*,
Intervenor-Plaintiffs,

v.

U.S. FOOD AND DRUG ADMINISTRATION, *et al.*,
Defendants,

and

DANCO LABORATORIES, LLC,
Intervenor-Defendant.

Case No. 2:22-cv-00223-Z

GENBIOPRO, INC.’S MOTION FOR LEAVE TO INTERVENE

Pursuant to Fed. R. Civ. P. 24(a) and (b), GenBioPro, Inc. (“GenBioPro”) moves for leave to intervene as a Defendant for the reasons set forth in the accompanying Memorandum of Points and Authorities.

GenBioPro joins in the Rule 12(b) objections by both the Federal Defendants and Intervenor-Defendant Danco, which foreclose reaching any merits issues in this case. By seeking to intervene, GenBioPro expressly does not in any way waive such objections or acquiesce in venue in this District. Rather, GenBioPro seeks intervention to ensure that its rights are fully and adequately represented in the event this case proceeds any further in this Court. GenBioPro is seeking to intervene now, at the pleading stage, to ensure the timing of its motion causes no prejudice to the existing parties.

Pursuant to Fed. R. Civ. P. 24(c), attached hereto is a proposed motion to dismiss and joinder to the two pending motions to dismiss the Intervenor-Plaintiffs’ Amended Complaint. A

proposed order granting this Motion for Leave to Intervene is also attached and respectfully submitted for this Court's consideration.

Dated: February 25, 2025

Respectfully submitted,

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** Pro hac vice forthcoming*

Counsel for GenBioPro, Inc.

CERTIFICATE OF CONFERENCE

I certify that on February 24, 2025, counsel for GenBioPro conferred with counsel for the Federal Defendants regarding this Motion. The Federal Defendants consented to GenBioPro's intervention. I further certify that counsel for GenBioPro conferred with Intervenor-Defendant Danco Laboratory LLC's counsel on February 24, 2025. Danco does not oppose GenBioPro's intervention. I also certify that counsel for GenBioPro conferred with the Intervenor-Plaintiffs' counsel on February 19, 2025. Intervenor-Plaintiffs oppose GenBioPro's intervention.

/s/ Christopher M. Odell
Christopher M. Odell

CERTIFICATE OF SERVICE

I certify that on February 25, 2025, I electronically filed the foregoing Motion for Leave to Intervene using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties of record.

/s/ Christopher M. Odell
Christopher M. Odell